

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA**

NICOLE RULLI, individually and on behalf of)
her minor son, A.F.; CHARLES BRYANT JR.;)
SIMON PHILLIPS; DONOVAN HAYDEN;)
JENNIFER “JAY” YODER; DONOVAN)
HAYDEN; and CHRISTOPHER WILSON)
JURING, individually and on behalf of all)
persons similarly situated,)

Plaintiffs,)

v.)

CITY OF PITTSBURGH; WENDELL)
HISSRICH, individually and in his official)
capacity as Director of Public Safety for the)
City of Pittsburgh; SCOTT SCHUBERT,)
individually and in his official capacity as Chief)
of the Pittsburgh Bureau of Police; STEPHEN)
VINANSKY, Commander of Zone 5 of the)
Pittsburgh Bureau of Police, in his individual)
capacity, JASON LANDO, Commander of)
Narcotics and Vice for the Pittsburgh Bureau of)
Police, in his individual capacity, STEVEN)
MESCAN, Master Police Officer, in his)
individual capacity; CLARENCE TRAPP,)
Incident Commander, in his individual capacity;)
PHILIP MERCURIO, Lieutenant, in his)
individual capacity,)

Defendants.)

CASE NO. 2:20-cv-00965-LPL

JURY TRIAL DEMANDED

**PETITION PURSUANT TO LOCAL RULE 17.1 FOR LEAVE TO SETTLE MINOR’S
CLAIM**

AND NOW comes the Petitioner, Nicole Rulli, guardian and natural parent of her minor child, A.F. by and through his attorney, Margaret S. Coleman, Esquire, and petitions this Court for leave to settle the minor’s claims arising from an incident, the facts and alleged details of which are more fully set forth in the Plaintiff’s Amended Complaint.

1. The minor plaintiffs' date of birth is October 2, 2006.

2. The minor plaintiff's allegations are as follows: A.F. is one of seven named plaintiffs in this action. On June 1, 2020, A.F. (then 13 years old) attended a protest in the East Liberty section of Pittsburgh with his mother (Nicole Rulli) and her fiancé (Charles Bryant). Pittsburgh Police ordered A.F., Rulli, Bryant and approximately 150 other peaceful protesters to disperse. Pittsburgh Police then forcibly dispersed the protesters by use of chemical gas and other "less lethal" munitions. As A.F. and Rulli and Bryant attempted to leave the area, Pittsburgh Police threw a tear gas canister at the family, hitting Rulli in the foot. A.F. was subjected to gas from the container. A.F. ran away from the scene and became separated from his mother and Bryant. A.F. alleges that the conduct of the Pittsburgh Police violated his First and Fourth Amendment rights. A.F. sustained ongoing emotional distress from the experience.

3. A.F. did not sustain any injuries for which he sought medical treatment. Therefore, there are no relevant statements of attending physicians.

4. Since this case was filed in June of 2020, counsel for Plaintiffs have conducted eleven (11) depositions (including two expert depositions) and defended eight (8) depositions (including one expert deposition.) Counsel for Plaintiffs have reviewed over 13,000 pages of documents and several hundred hours of video. Plaintiffs' counsels' billable fees, to date, are approximately \$440,000. Plaintiffs' counsel have incurred \$36,517 in costs which have not yet been reimbursed.

5. In accordance with ongoing settlement negotiations, of which this Court was notified, the Parties have agreed to settle the claims asserted in this action for \$275,000 inclusive of costs and fees, to be divided equally among the seven Plaintiffs. Of this sum, \$101,750 will be paid directly to Plaintiffs' Counsel for fees. Counsels' fees represent 37% of the total settlement and a $\frac{3}{4}$ compromise of fees incurred. In addition, \$36,517 will be paid to Plaintiffs' Counsel for

reimbursement of costs incurred in prosecuting this action. A.F. will receive one seventh of the remaining \$136,734.78, or \$19,533.54.

5. It is the opinion of the undersigned counsel for A.F., and the considered opinion of Nicole Rulli (parent), that the foregoing settlement is fair and reasonable.

6. The monies recovered on behalf of the minor plaintiff, as set forth above, will be distributed and made payable to Nicole Rulli, Guardian on behalf of A.F., a minor, to be deposited into a federally insured bank or savings and loan account, with withdrawals only upon Court approval until the minor reaches age of majority.

WHEREFORE, the petitioner, Margaret S. Coleman requests this Honorable Court to enter an order approving the settlement of the minor's claim in this matter and directing the distribution of the proceeds of this settlement as set forth in Paragraph 6 of this petition.

Respectfully submitted,

/s/ Margaret S. Coleman
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